

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CASEY CLINTON RIDGE,

Plaintiff,

vs.

JOHN W. LARSON (Missoula District  
Judge), FRED VANVALKENBURG  
(Missoula Chief District County  
Attorney), MISSOULA COUNTY  
ATTORNEY'S OFFICE,

Defendants.

CV 12-101-M-DLC-JCL

ORDER

**FILED**

SEP 19 2012

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on August 6, 2012, and recommended dismissing the Complaint without prejudice for failure to state a claim upon which relief may be granted. Plaintiff did not timely object to the Findings and Recommendation, and so has

waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Plaintiff Ridge submits lengthy recitation of the criminal proceedings against him since 1998 and seeks to challenge prior criminal convictions and/or current criminal proceedings on the grounds of wrongful prosecution. He argues Defendants should not be allowed to prosecute or preside in any cases against him or his immediate family members due to prejudice. Further, he alleges Defendants conspired against him, and continue to do so, and he continues to be persecuted as he is still in jail.

Judge Lynch found that Ridge’s claims fail as a matter of law and should be dismissed. In particular, Judge Lynch found: 1) any claims arising before June 15, 2009, are barred by the applicable statute of limitations, 2) any claims regarding his prior convictions and/or probation revocations are barred by the Heck doctrine, 3) all three prongs of the Younger test have been satisfied and dismissal is appropriate, 4) Judge Larson is entitled to judicial immunity, 5) Defendant

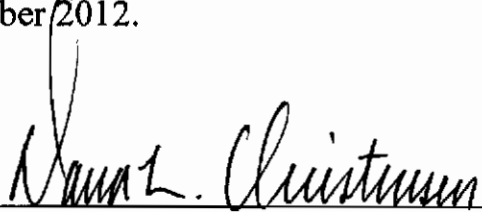
VanValkenburg is entitled to prosecutorial immunity, and 6) Defendant Missoula County Attorney's Office is not a proper defendant with respect to Ridge's § 1983 claims, and must be dismissed. After a review of Judge Lynch's Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation (doc. 5) are adopted in full. The Complaint (doc. 2) is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted.

The Clerk of Court is directed to enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and to close this case.

IT IS FURTHER ORDERED that the docket shall reflect that the dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g). The docket shall also reflect the Court certifies pursuant to Fed.R.App.P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

DATED this 19<sup>th</sup> day of September 2012.

  
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Dana L. Christensen, District Judge  
United States District Court